

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed September 10, 2007. Claims 1-5 and 7-12 were pending in the present application. This Amendment amends claims 5 and 7, and adds new claim 13, leaving pending in the application claims 1-5 and 7-13. Reconsideration of the rejected claims and consideration of the newly presented claim is respectfully requested.

I. Rejection under 35 U.S.C. §103

Claims 1-5 and 7-12 are rejected under 35 U.S.C. §103(a) as being obvious over *Martinez* (US 5,208,446) in view of *Bloom* (US 6,974,928). Applicants respectfully submit that these references do not teach or suggest each element of these claims.

For example, Applicants' claim 1 recites a method of delivering at least one item or service from a provider to a receiver, the method comprising:

receiving an order from the receiver for at least one item or service available from the provider and **providing the receiver with an order identifier** in response thereto;
obtaining the order identifier from the receiver at a time of delivery;
providing information regarding the order identifier obtained at the time of delivery to a financial processor;
in response to the information regarding the order identifier being provided to the financial processor, **providing payment for the at least one item or service from the financial processor to the provider;** and
in response to payment being provided to the provider, **delivering the at least one item or service to the receiver**

(*emphasis added*). Such limitations are not disclosed by the combination of *Martinez* and *Bloom*. Before discussing the combination, the teachings of each reference will briefly be discussed.

(a) Martinez

As discussed previously of record *Martinez* discloses an apparatus allowing credit card information to be accepted, verified, and processed contemporaneously with the delivery of goods (col. 1, lines 6-35). The apparatus accepts credit information for the recipient and transmits the credit information for approval (col. 2, lines 13-58). This requires the recipient to have credit information, such as a credit or bank guarantee card (col. 1, lines 3543). Further, the

approach of *Martinez* requires the recipient to provide this credit information to the delivery person, which some customers might be reluctant to do for reasons such as security and prevention of identity theft.

(b) *Bloom*

Bloom is directed to efficient bulk package delivery to an automated article storage and retrieval system at a centralized article pickup location (col. 1, lines 8-12; col. 2, lines 25-64). Items can be sorted by a "destination centralized pickup location" or a "destination local distribution hub" into a bulk package, which can have an identifier assigned thereto for tracking the bulk package and matching the bulk package with a storage locker bin for receiving the bulk package (col. 2, lines 50-64; col. 3, lines 8-19). Loading of the bulk delivered package into the "automated system of storage locker bins can include automatically triggering the dispatch of an electronic notification to the recipient "(col. 3, line 62-col. 4, line 3). Thus, as soon as the bulk package is assigned to a bin, the recipient is notified by "a facsimile, an email, a telephone call," etc. Triggering the notification also can include recording information "necessary for billing at least one of the retailer shipping the items the ordered items of the bulk delivered package, a customer who ordered the item of the bulk delivered package, and the recipient of the bulk delivered package", the information including "at least one of an order identifier, a recipient identifier or a customer identifier, a package identifier, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time, or any combination thereof (col. 4, lines 4-15). The retrieval can involve retrieving the bulk delivered package by the recipient through self-service (col. 4, lines 18-20). If the items are delivered to the recipient, they are subsequently sorted by information such as zip code (col. 8, lines 51-56).

The identifier information of *Bloom* is thus used for tracking purposes, and is not presented from a recipient to approve delivery. *Bloom* does not teach or discuss basing delivery of the item to the recipient based on receiving the identifier information from the recipient at substantially the time of delivery. *Bloom* uses the identifier information internally only for tracking purposes, and does not require that the recipient even be aware of the identifier information. As discussed, if the package is placed on a truck for delivery it is sorted by zip

code and the identifier information is not used from that point forward. Further, there is no teaching or suggestion that a recipient wishing to pick up a package must present the identifier information.

(c) Martinez and Bloom

Combining the approaches of *Martinez* and *Bloom*, even if there were motivation to do so, would not render Applicants' claims obvious. As discussed, *Martinez* is directed to obtaining credit information (*e.g.*, a credit card) from a recipient at the time of delivery. *Bloom* is directed to shipping and tracking packages in bulk, and can use information such as an order number to track shipments and notify a recipient or merchant when an item is ready to be picked up or delivered. While *Bloom* discloses that the identifier information can be used as part of the process in which retailers are billed for shipping (col. 9, lines 3-6). Even if the tracking and shipping approach of *Bloom* were combined with the delivery approach of *Martinez*, the resulting combination would still require that a recipient present credit information at the time of delivery in order to receive the item. *Bloom* does not teach or suggest information such as an order number being captured from a recipient at a time of delivery and used by the provider of the item to receive payment. *Bloom* at best uses the order information to indicate that payment for the shipping can be billed to the retailer, but payment for the item from the recipient is not based on information such as an order identifier in either reference. The combination of references could result in more efficient shipping of items using the bulk shipping method of *Bloom*, but the recipient still would have to present credit card information to the recipient as in *Martinez* (or arguably pay the merchant at the time of the order as is implied in *Bloom*). Neither case allows a recipient to simply present an order identifier to a deliverer, which triggers payment to the provider of the item and allows for delivery of the item, without having to provide credit card information to the delivery person or transmit similar information to the provider at the time of the order. The combination thus does not arrive at the limitations of Applicants' claim 1, and does not provide the privacy advantage of Applicants' claim 1. Further, there is no motivation in either reference to do so. As such, the combination cannot render obvious Applicants' claim 1 or the claims that depend therefrom. The other claims recite

limitations that similarly are neither taught nor discussed by these references, individually or in combination, such that these claims also cannot be rendered obvious. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

II. Amendment to the Claims

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

III. Newly Presented Claims

Claim 13 have been added to cover different aspects of the present invention. This claim is supported by the specification and does not add new matter. Applicants therefore respectfully request consideration of newly presented claim 13.

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Reply to Office Action of September 10, 2007

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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